IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 116 OF 2006

IN

SUIT NO. 454 OF 2001

Ray Constructinos Ltd., .. Plaintiff.

vs.

Ramnashekhar Steels Ltd., .. Defendants.

Mr. S.G. Gokhale for the plaintiff.

Mr. Niranjan Jagtap for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 23rd January,2006.

P.C.

. By consent of the parties, the motion is placed on Board and called out.

2. The present motion is taken out for setting aside the ex-parte decree dated 28.1.2003 passed by this Court. It is the case of the defendants that the Advocate was engaged but he remained absent and in fact the company is declared a sick under the provisions of the Sick Industrial Companies Act, 1985 and by virtue of Section 22 no decree could have been passed. In so far as the aforesaid

contention is concerned, though there is no substance in the same, the learned counsel for the defendants states that as a matter of indulgence the decree be set aside, if necessary on payment of cost. In that light of the matter, motion is made absolute in terms of prayer clause (a). The defendant to pay cost quantified at Rs. 25,000/- within a period of one week from today. It is clarified that if the cost is not paid, motion to stand dismissed.